

# Notice of Legislative Mandates Contained in the FY 2005 Consolidated Appropriations Resolution P.L. 108-07; Signed December 8, 2004

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**Notice Number:** NOT-OD-05-023

## Key Dates

Release Date: January 7, 2005

## Issued by

National Institutes of Health (NIH), (<http://www.nih.gov/>)

The intent of this Notice is to provide information on the following statutory provisions that limit the use of funds on National Institutes of Health (NIH) grant, cooperative agreement, and contract awards for FY 2005. The Notice of Legislative Mandates for FY 2004 was published on January 23, 2004, NIH Guide Notice [NOT-OD-04-026](#).

- (1) Continued Salary Limitation (Section 204)
- (2) Anti-Lobbying (Section 503)
- (3) Restriction on Distribution of Sterile Needles (Section 505)
- (4) Acknowledgment of Federal Funding (Section 506)
- (5) Restriction on Abortions (Section 507)
- (6) Ban on Funding Human Embryo Research (Section 509)
- (7) Limitation on Use of Funds for Promotion of Legalization of Controlled Substances (Section 510)

- (1) Continued Salary Limitation (Section 204)

"None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I." Executive Level I of the Federal Executive Pay Scale effective October 1, 2004 through December 31, 2004 was \$175,700. Effective January 1, 2005, this amount increased to \$180,100. Applications and proposals with categorical direct cost budgets reflecting direct salaries for individuals in excess of Executive Level I per year will be adjusted in accordance with the legislative salary limitation. Please refer to NIH Guide Notice, (<http://grants.nih.gov/grants/guide/notice-files/NOT-OD-05-024.html>)."

- (2) Anti-Lobbying (Section 503)

"(a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself. (b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature. "

- (3) Restriction on Distribution of Sterile Needles (Section 505)

"Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug."

- (4) Acknowledgment of Federal Funding (Section 506)

"When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall

clearly state:

(1) the percentage of the total costs of the program or project which will be financed with Federal money; (2) the dollar amount of Federal funds for the project or program; and (3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources."

(5) Restriction on Abortions (Section 507)

(a) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for any abortion.

(6) Ban on Funding of Human Embryo Research (Section 509)

(a) None of the funds made available in this Act may be used for: (1) the creation of a human embryo or embryos for research purposes; or (2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)). (b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

(7) Limitation on Use of Funds for Promotion of Legalization of Controlled Substances (Section 510)

"(a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C.812). (b)The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage."

Note the provision for "Purchase of American-Made Equipment and Products" found in appropriations in previous years is not continued in FY2005. However, grantees are reminded that any purchases made with prior year funds (FY2004 and before) continue to be governed by that provision. See the Notice of Legislative Mandates for FY2004 for additional information on that provision, NIH Guide Notice [NOT-OD-04-026](#).

## Inquiries

For more information on grants policy, please visit: <http://grants.nih.gov/grants/policy/policy.htm>. For more information on contracts policy, please visit: <http://ocm.od.nih.gov/contracts/contract.htm>.

If additional questions remain, after visiting the posted websites, please contact the awarding grants or contracts management office in the appropriate NIH Institutes and Centers.

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